

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

ANGELICA CRUZ

DEFENDANTS

NCO FINANCIAL SYSTEMS, INC.

(b) County of Residence of First Listed Plaintiff Philadelphia CountyCounty of Residence of First Listed Defendant Montgomery County

Tara L. Patterson
Kimmel & Silverman, P.C.
30 East Butler Pike, Ambler, PA 19002
Phone No. 215-540-8888 ext. 103; tpatterson@creditlaw.com

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt. Reporting <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. section 1692
 Brief description of cause:
 Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
 JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S)

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

03/07/11

DATE

SIGNATURE OF ATTORNEY OF RECORD

Tara L. Patterson

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 34102 BELAIRE LANDING ROAD, PHILADELPHIA, PA 19144

Address of Defendant: 507 PRUDENTIAL ROAD, HORSHAM, PA 19044

Place of Accident, Incident or Transaction: PHILADELPHIA, PA
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases

(Please specify) FAIR DEBT COLLECTION PRACTICES ACT CASE
ARBITRATION CERTIFICATION

(Check Appropriate Category)

- I, TARA L. PATTERSON, counsel of record do hereby certify:
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
 - ☐ Relief other than monetary damages is sought.

DATE: 03/07/11 Tara Patterson 88343
Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 03/07/11 Tara Patterson 88343
Attorney-at-Law Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

ANGELICA CRUZ

v.

NCO FINANCIAL SYSTEMS, INC.

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

03/07/11
Date

TARA L. PATTERSON
Attorney-at-law

PLAINTIFF, ANGELICA CRUZ
Attorney for

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877-788-2864

tpatterson@creditlaw.com

Telephone

FAX Number

E-Mail Address

1
2 **IN THE UNITED STATES DISTRICT COURT**
3 **FOR THE**
4 **EASTERN DISTRICT OF PENNSYLVANIA**

5 ANGELICA CRUZ,
6 Plaintiff

7 v.

8 NCO FINANCIAL SYSTEMS, INC.,
9 Defendant

} **Case No.:**

} **COMPLAINT AND DEMAND FOR**
} **JURY TRIAL**

} **(Unlawful Debt Collection Practices)**

10
11 **COMPLAINT**

12 ANGELICA CRUZ ("Plaintiff"), by her attorneys, KIMMEL &
13 SILVERMAN, P.C., alleges the following against NCO FINANCIAL SYSTEMS,
14 INC. ("Defendant"):
15

16 **INTRODUCTION**

17 1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection
18 Practices Act, 15 U.S.C. § 1692 et seq. (FDCPA).
19

20 **JURISDICTION AND VENUE**

21 2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d),
22 which states that such actions may be brought and heard before "any appropriate
23 United States district court without regard to the amount in controversy," and 28
24
25

1 U.S.C. § 1331 grants this court supplemental jurisdiction over the state claims
2 contained therein.

3
4 3. Defendant conducts business and has an office in the Commonwealth
5 of Pennsylvania, and therefore, personal jurisdiction is established.

6 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

7
8 5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and
9 2202.

10 **PARTIES**

11 6. Plaintiff is a natural person residing in Philadelphia, Pennsylvania.

12
13 7. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §
14 1692a(3).

15 8. Defendant is a national debt collection company with corporate
16 headquarters located at 507 Prudential Road, Horsham, Pennsylvania, 19044-
17 2308.

18
19 9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §
20 1692a(6), and sought to collect a consumer debt from Plaintiff.

21 10. Defendant acted through its agents, employees, officers, members,
22 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
23 representatives, and insurers.
24
25

PRELIMINARY STATEMENT

11. The Fair Debt Collection Practices Act (“FDCPA”) is a comprehensive statute, which prohibits a catalog of activities in connection with the collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that violates its provisions, and establishes general standards of debt collector conduct, defines abuse, and provides for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the FDCPA declare certain rights to be provided to or claimed by debtors, forbid deceitful and misleading practices, prohibit harassing and abusive tactics, and proscribe unfair or unconscionable conduct, both generally and in a specific list of disapproved practices.

12. In particular, the FDCPA broadly enumerates several practices considered contrary to its stated purpose, and forbids debt collectors from taking such action. The substantive heart of the FDCPA lies in three broad prohibitions. First, a “debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.” 15 U.S.C. § 1692d. Second, a “debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. §

1 1692f. The FDCPA is designed to protect consumers from unscrupulous
2 collectors, whether or not there exists a valid debt, broadly prohibits unfair or
3 unconscionable collection methods, conduct which harasses, oppresses or abuses
4 any debtor, and any false, deceptive or misleading statements in connection with
5 the collection of a debt.
6

7 13. In enacting the FDCPA, the United States Congress found that
8 “[t]here is abundant evidence of the use of abusive, deceptive, and unfair debt
9 collection practices by many debt collectors,” which “contribute to the number of
10 personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of
11 individual privacy.” 15 U.S.C. § 1692a. Congress additionally found existing
12 laws and procedures for redressing debt collection injuries to be inadequate to
13 protect consumers. 15 U.S.C. § 1692b.
14

15 14. Congress enacted the FDCPA to regulate the collection of consumer
16 debts by debt collectors. The express purposes of the FDCPA are to “eliminate
17 abusive debt collection practices by debt collectors, to insure that debt collectors
18 who refrain from using abusive debt collection practices are not competitively
19 disadvantaged, and to promote consistent State action to protect consumers against
20 debt collection abuses.” 15 U.S.C. § 1692e.
21
22
23

24 **FACTUAL ALLEGATIONS**

25 15. At all pertinent times hereto, Defendant was hired to collect a

1 consumer debt allegedly owed by Plaintiff.

2 16. The alleged debt at issue arose out of transactions, which were
3 primarily for personal, family, or household purposes.
4

5 17. Defendant constantly and continuously placed collection calls to
6 Plaintiff seeking and demanding payment for an alleged debt owed to Sprint.

7 18. Defendant has been placing collection calls to Plaintiff since
8 December 2009.
9

10 19. Plaintiff has received collection calls and voicemail messages from
11 Defendant at least through December 9, 2010.

12 20. Defendant places collection calls to Plaintiff almost daily sometimes
13 calling up to five times in a single day.
14

15 21. Defendant continuously disclosed details of Plaintiff's alleged debt to
16 Plaintiff's live in mother.

17 22. In the month of October 2009, Defendant stated to Plaintiff's mother
18 that Plaintiff must pay the alleged debt owed or Defendant would seize Plaintiff's
19 property.
20

21 23. Plaintiff explained to Defendant that her mother is ill, does not owe
22 the debt, and to stop contacting her.
23

24 24. Defendant, however, ignored this request and continued to make calls
25 to Plaintiff's mother concerning Plaintiff.

1 25. Each time Defendant spoke with Plaintiff's mother, the harshness of
2 the NCO collector's threats, brought her to tears, worrying her that something
3 terrible would happen to her daughter.
4

5 26. Defendant left voicemail messages on Plaintiff's answering machine
6 identifying itself as a debt collection company and stating that it was attempting to
7 collect a debt, which messages were overheard by Plaintiff's mother.
8

9 27. Defendant threatened Plaintiff with legal action by stating that a
10 judgment will be entered if immediate payment was not made.

11 28. Also, Defendant harassed Plaintiff by making statements to her that
12 she was "disgraceful" and needed to "get a job at McDonalds."
13

14 29. Defendant conducted its debt collection activities in ways that were
15 factually misrepresented and in violation of the FDCPA.
16

17 CONSTRUCTION OF APPLICABLE LAW

18 30. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry,
19 deLaunay & Durand, 103 F.3d 1232 (5th Cir. 1997). "Because the Act imposes
20 strict liability, a consumer need not show intentional conduct by the debt collector
21 to be entitled to damages." Russell v. Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996);
22 see also Gearing v. Check Brokerage Corp., 233 F.3d 469 (7th Cir. 2000) (holding
23 unintentional misrepresentation of debt collector's legal status violated FDCPA);
24 Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).
25

1 31. The FDCPA is a remedial statute, and therefore must be construed
2 liberally in favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235
3 (W.D. Wash. 2006). The remedial nature of the FDCPA requires that courts
4 interpret it liberally. Clark v. Capital Credit & Collection Services, Inc., 460 F. 3d
5 1162 (9th Cir. 2006). “Because the FDCPA, like the Truth in Lending Act (TILA)
6 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be construed liberally in
7 favor of the consumer.” Johnson v. Riddle, 305 F. 3d 1107 (10th Cir. 2002).

8
9
10 32. The FDCPA is to be interpreted in accordance with the “least
11 sophisticated” consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168
12 (11th Cir. 1985); Graziano v. Harrison, 950 F. 2d 107 (3rd Cir. 1991); Swanson v.
13 Southern Oregon Credit Service, Inc., 869 F.2d 1222 (9th Cir. 1988). The FDCPA
14 was not “made for the protection of experts, but for the public - that vast multitude
15 which includes the ignorant, the unthinking, and the credulous, and the fact that a
16 false statement may be obviously false to those who are trained and experienced
17 does not change its character, nor take away its power to deceive others less
18 experienced.” Id. The least sophisticated consumer standard serves a dual
19 purpose in that it ensures protection of all consumers, even naive and trusting,
20 against deceptive collection practices, and protects collectors against liability for
21 bizarre or idiosyncratic interpretations of collection notices. Clomon, 988 F. 2d at
22 1318.
23
24
25

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES
ACT

33. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692 generally;
- b. Defendant violated §169b(2) of the FDCPA by regularly communicating with Plaintiff's mother in connection with Plaintiff's alleged debt and by stating that Plaintiff owes a debt;
- c. Defendant violated §1692b(3) of the FDCPA by communicating with Plaintiff's mother more than once without permission to do so and without reasonable belief that the earlier response was erroneous or incomplete;
- d. Defendant violated §1692c(b) of the FDCPA by communicating with third parties, Plaintiff's mother, in connection with the collection of Plaintiff's alleged debt;
- e. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt;
- f. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse and harass Plaintiff;

- 1 g. Defendant violated §1692e of the FDCPA by using false,
2 deceptive, or misleading representations or means in connection
3 with the collection of a debt;
4
- 5 h. Defendant violated §1692e(4) of the FDCPA by representing that
6 nonpayment of the alleged debt will result in the seizure of
7 Plaintiff's property even though Defendant does not intend to take
8 such action;
9
- 10 i. Defendant violated §1692e(5) of the FDCPA by threatening
11 Plaintiff with legal action even though Defendant does not intend
12 to take such action;
13
- 14 j. Defendant violated §1692e(10) of the FDCPA by using a
15 deceptive means in an attempt to collect a debt by falsely implying
16 that nonpayment of Plaintiff's alleged debt will result in the
17 seizure of Plaintiff's property;
18
- 19 k. Defendant violated §1692e(10) of the FDCPA by using a
20 deceptive means in an attempt to collect a debt by falsely implying
21 that nonpayment of Plaintiff's alleged debt will result in a
22 judgment against Plaintiff even though Defendant does not intend
23 to file a lawsuit; and
24
- 25 l. Defendant violated §1692f of the FDCPA by using unfair and

1 unconscionable means in its attempts to collect a debt from
2 Plaintiff.

3
4 34. As a direct and proximate result of one or more or all of the statutory
5 violations above, Plaintiff has suffered emotional distress.

6 WHEREFORE, Plaintiff, ANGELICA CRUZ, respectfully requests
7 judgment be entered against Defendant, NCO FINANCIAL SYSTEMS, INC., for
8 the following:
9

- 10 a. Declaratory judgment that Defendant's conduct violated the Fair Debt
11 Collection Practices Act,
12
13 b. Statutory damages pursuant to the Fair Debt Collection Practices Act,
14 15 U.S.C. § 1692k,
15
16 c. Actual damages,
17
18 d. Costs and reasonable attorneys' fees pursuant to the Fair Debt
19 Collection Practices Act, 15 U.S.C. § 1692k
20
21 e. Any other relief that this Honorable Court deems appropriate.
22
23
24
25

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, ANGELICA CRUZ, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

DATED: 03/07/11

KIMMEL & SILVERMAN, P.C.

By: 
Tara L. Patterson
Attorney ID # 88343
Craig Thor Kimmel
Attorney ID #57100
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